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November 12, 2020

BY ECF

Honorable John G. Koeltl

United States District Court for the Southern District of New York

Daniel P. Moynihan United States Courthouse

500 Pearl Street

New York, NY 10007-1312

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Re: *Phyto Tech Corp. v. Givaudan SA*, No. 1:19-cv-09033
Re: Stipulated Extension of Time

Dear Judge Koeltl:

We write jointly on behalf of the parties to the above-referenced matter concerning the status of the parties' discovery dispute discussed with Your Honor on November 2, 2020, which I previously described in my letter dated October 27, 2020. Counsel for Phyto Tech Corp. d/b/a Blue California ("Blue Cal") proposed to resolve the dispute by providing a less redacted version of the agreement between Conagen Inc. ("Conagen") and Conagen's third-party partner (the "Agreement").

Blue Cal represents that after consultation with the third party ("Third Party"), it was unable to secure permission to produce The Agreement in its entirety. Both the scope of the appropriate redactions and the appropriate level of confidentiality scrutiny is in dispute.

We suggest that the Court issue an order requiring any objecting party, including the Third Party, to submit a letter brief of no more than 3 pages explaining its objections within one week. Givaudan would then respond one week later. The issue will then be fully briefed and ready for decision.

In addition, we note that the parties to this matter have consented generally to a joint request for an additional extension of the time in which to complete discovery after resolution of the instant dispute. While we believe a 30-45 day period after disclosure of any additional documents will be sufficient, we request that the dates for such extension be proposed and determined after this dispute is resolved. We thank Your Honor for your consideration of this matters.

1. Any objections & disclosure subject to the Confidentiality Order (no more than 3 pages) due 11/20/20. Any reply (no more than 2 pages, due 11/24/20).
2. Discovery is not stayed, although some additional discovery may be allowed, limited to the agreement to be disclosed so disclosed. JGK/48.DJ

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Respectfully Submitted,

Ryan G. Pitman

/s Ryan G. Pitman

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